GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:2073
ANSWERED ON:09.03.2011
INSUFFICIENT PROVISION UNDER RTI FOR PROSECUTION
Chaudhary Shri Jayant

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the present provisions under the RTI Act are insufficient to prosecute those information officers who have been found guilty;

(b) if so, the details thereof;

(c) whether the Government intends to bring in suitable legislations to deal with such cases;

(d) if so, the details thereof; and

(e) if not, the reasons therefor ?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF PARLIAMENTRY AFFARIRS; MINISTER OF THE STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSIONS AND MINISTER OF THE STATE IN THE MINISTRY OF PRIME MINISTER`S OFFICE (SHRI V. NARAYANASAMY)

(a) & (b): The Right to Information Act, 2005 has several provisions to penalize public authority and/or the Public Information Officer in cases of non-supply of information etc. as detailed below :-

(c) Under Section 19(8)(b), the Information Commission may require the public authority to compensate complainant for any loss or other detriments suffered as a result of non-supply of information or supply of incorrect information.

(d) Under Section 20(1), Information Commission, may at the time of deciding any complaint or appeal, impose a penalty of Rs. 250/- each day till application is received or information is furnished, with the total amount of such penalty not exceeding Rs. 25,000, in cases where Public Information Officer (i) has refused to receive an application without any reasonable cost (ii) has not furnished information within the time specified,(iii) malafidely denied the request for information; (iv) knowingly given incorrect; incomplete or misleading information;(v) destroyed information which was the subject of the request or (vi) obstructed in any manner in furnishing the information.

In addition to the above, under Section 20(2) the information commission may also recommend for disciplinary proceeding against the Public Information Officer for such delinquency.

(c) to (e): The above provisions are considered adequate for ensuring that provisions of the RTI are enforced. As such, there is no need to bring in any other legislation for this purpose.